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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSMIN SOSA,

Defendant.

No. CR 2:24-CR-00744-JLS

PLEA AGREEMENT FOR DEFENDANT
OSMIN SOSA

1. This constitutes the plea agreement between OSMIN SOSA ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. Give up the right to indictment by a grand jury and, at the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to a single-count information in the

1 form attached to this agreement as Exhibit A or a substantially
2 similar form, which charges defendant with distribution of
3 methamphetamine, a Schedule II controlled substance, in violation of
4 21 U.S.C. §§ 841(a)(1), (b)(1)(C).

5 b. Not contest facts agreed to in this agreement.

6 c. Abide by all agreements regarding sentencing contained
7 in this agreement.

8 d. Appear for all court appearances, surrender as ordered
9 for service of sentence, obey all conditions of any bond, and obey
10 any other ongoing court order in this matter.

11 e. Not commit any crime; however, offenses that would be
12 excluded for sentencing purposes under United States Sentencing
13 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
14 within the scope of this agreement.

15 f. Be truthful at all times with the United States
16 Probation and Pretrial Services Office and the Court.

17 g. Pay the applicable special assessment at or before the
18 time of sentencing unless defendant has demonstrated a lack of
19 ability to pay such assessments.

20 THE USAO'S OBLIGATIONS

21 3. The USAO agrees to:

22 a. Not contest facts agreed to in this agreement.

23 b. Abide by all agreements regarding sentencing contained
24 in this agreement.

25 c. At the time of sentencing, provided that defendant
26 demonstrates an acceptance of responsibility for the offense up to
27 and including the time of sentencing, recommend a two-level reduction
28 in the applicable Sentencing Guidelines offense level, pursuant to

1 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
2 additional one-level reduction if available under that section.

3 d. Recommend that defendant be sentenced to a term of
4 imprisonment no higher than the low end of the applicable Sentencing
5 Guidelines range, provided that the offense level used by the Court
6 to determine that range is 28 or higher. For purposes of this
7 agreement, the low end of the Sentencing Guidelines range is that
8 defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

9 NATURE OF THE OFFENSE

10 4. Defendant understands that for defendant to be guilty of
11 the crime charged in count one of the information, that is,
12 distribution of methamphetamine, in violation of 21 U.S.C.
13 §§ 841(a)(1), (b)(1)(C), the following must be true: (1) defendant
14 knowingly distributed methamphetamine; and (2) defendant knew that it
15 was methamphetamine or some other federally controlled substance.

16 PENALTIES

17 5. Defendant understands that the statutory maximum sentence
18 that the Court can impose for a violation of 21 U.S.C. §§ 841(a)(1),
19 (b)(1)(C): twenty years' imprisonment; a lifetime period of
20 supervised release; a fine of \$1,000,000 or twice the gross gain or
21 gross loss resulting from the offense, whichever is greatest; and a
22 mandatory special assessment of \$100.

23 6. Defendant understands that, if the Court imposes a term of
24 imprisonment for a violation of Title 21, United States Code,
25 Sections 841(a)(1), (b)(1)(C), the Court must impose a statutory
26 mandatory minimum of at least a three-year period of supervised
27 release to follow a term of imprisonment.

1 7. Defendant understands that supervised release is a period
2 of time following imprisonment during which defendant will be subject
3 to various restrictions and requirements. Defendant understands that
4 if defendant violates one or more of the conditions of any supervised
5 release imposed, defendant may be returned to prison for all or part
6 of the term of supervised release authorized by statute for the
7 offense that resulted in the term of supervised release, which could
8 result in defendant serving a total time of imprisonment greater than
9 the statutory maximum stated above.

10 8. Defendant understands that under 21 U.S.C. § 862a,
11 defendant will not be eligible for assistance under state programs
12 funded under the Social Security Act or Federal Food Stamp Act or for
13 federal food stamp program benefits, and that any such benefits or
14 assistance received by defendant's family members will be reduced to
15 reflect defendant's ineligibility.

16 9. Defendant understands that, by pleading guilty, defendant
17 may be giving up valuable government benefits and valuable civic
18 rights, such as the right to vote, the right to possess a firearm,
19 the right to hold office, and the right to serve on a jury.
20 Defendant understands that he is pleading guilty to a felony and that
21 it is a federal crime for a convicted felon to possess a firearm or
22 ammunition. Defendant understands that the conviction in this case
23 may also subject defendant to various other collateral consequences,
24 including but not limited to revocation of probation, parole, or
25 supervised release in another case and suspension or revocation of a
26 professional license. Defendant understands that unanticipated
27 collateral consequences will not serve as grounds to withdraw
28 defendant's guilty plea.

1 10. Defendant and his counsel have discussed the fact that, and
2 defendant understands that, if defendant is not a United States
3 citizen, the conviction in this case makes it practically inevitable
4 and a virtual certainty that defendant will be removed or deported
5 from the United States. Defendant may also be denied United States
6 citizenship and admission to the United States in the future.
7 Defendant understands that while there may be arguments that
8 defendant can raise in immigration proceedings to avoid or delay
9 removal, removal is presumptively mandatory and a virtual certainty
10 in this case. Defendant further understands that removal and
11 immigration consequences are the subject of a separate proceeding and
12 that no one, including his attorney or the Court, can predict to an
13 absolute certainty the effect of his conviction on his immigration
14 status. Defendant nevertheless affirms that he wants to plead guilty
15 regardless of any immigration consequences that his plea may entail,
16 even if the consequence is automatic removal from the United States.

17 FACTUAL BASIS

18 11. Defendant admits that defendant is, in fact, guilty of the
19 offense to which defendant is agreeing to plead guilty. Defendant
20 and the USAO agree to the statement of facts provided below and agree
21 that this statement of facts is sufficient to support a plea of
22 guilty to the charge described in this agreement and to establish the
23 Sentencing Guidelines factors set forth in paragraph 13 below but is
24 not meant to be a complete recitation of all facts relevant to the
25 underlying criminal conduct or all facts known to either party that
26 relate to that conduct.

27 On or about March 30, 2023, in Los Angeles County, within the
28 Central District of California, defendant knowingly and intentionally

1 distributed methamphetamine, a Schedule II controlled substance. At
2 all relevant times, defendant knew that the substance he distributed
3 was methamphetamine.

4 Specifically, during the week of March 27, 2023, a drug broker
5 in Mexico arranged to sell approximately five pounds of
6 methamphetamine for \$4,000 to a purported drug buyer who, in fact,
7 was a confidential source ("CS-1") working on behalf of law
8 enforcement. On March 29, 2023, the drug broker confirmed that the
9 transaction would take place on March 30, 2023. At approximately
10 10:57 a.m., the drug broker called CS-1 and instructed CS-1 to give
11 \$2,900 to the courier who would deliver the methamphetamine and send
12 the remaining \$1,100 to the drug broker. Defendant called CS-1 at
13 approximately 12:41 p.m. on March 30, 2023, and defendant and CS-1
14 agreed that the methamphetamine transaction would take place later
15 that day in Downey, California. In subsequent conversations,
16 defendant informed CS-1 that he had arrived at the meet location, and
17 at approximately 1:34 p.m., defendant parked his Chevy Traverse next
18 to CS 2's car. CS-2 then walked around to the passenger-side rear
19 door of the Chevy Traverse and, at defendant's instruction, retrieved
20 a white plastic bag containing approximately five pounds of actual
21 methamphetamine for \$4,000. CS-2 gave defendant \$2,900 in cash and
22 transferred the remaining \$1,100 to one of the drug broker's
23 associates.

24 SENTENCING FACTORS

25 12. Defendant understands that in determining defendant's
26 sentence the Court is required to calculate the applicable Sentencing
27 Guidelines range and to consider that range, possible departures
28 under the Sentencing Guidelines, and the other sentencing factors set

1 forth in 18 U.S.C. § 3553(a). Defendant understands that the
2 Sentencing Guidelines are advisory only, that defendant cannot have
3 any expectation of receiving a sentence within the calculated
4 Sentencing Guidelines range, and that after considering the
5 Sentencing Guidelines and the other § 3553(a) factors, the Court will
6 be free to exercise its discretion to impose any sentence it finds
7 appropriate between the mandatory minimum and up to the maximum set
8 by statute for the crimes of conviction.

9 13. Defendant and the USAO agree to the following applicable
10 Sentencing Guidelines factors:

11 Base Offense Level: 33 U.S.S.G. §§ 2D1.1(a)(5),
12 (c)(1)

13 Minor participant: -2 U.S.S.G. § 3B1.2(b)

14 Defendant and the USAO reserve the right to argue that additional
15 specific offense characteristics, adjustments, and departures under
16 the Sentencing Guidelines are appropriate.

17 14. Defendant and the USAO agree that:

18 a. Defendant did not use violence or credible threats of
19 violence or possess a firearm or other dangerous weapon (or induce
20 another participant to do so) in connection with the offense;

21 b. The offense did not result in death or serious bodily
22 injury to any person; and

23 c. Defendant was not an organizer, leader, manager, or
24 supervisor of others in the offense [charged in count and was not
25 engaged in a continuing criminal enterprise.

26 15. Defendant understands that there is no agreement as to
27 defendant's criminal history or criminal history category.

1 16. Defendant and the USAO reserve the right to argue for a
2 sentence outside the sentencing range established by the Sentencing
3 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
4 (a)(2), (a)(3), (a)(6), and (a)(7).

5 WAIVER OF CONSTITUTIONAL RIGHTS

6 17. Defendant understands that by pleading guilty, defendant
7 gives up the following rights:

8 a. The right to persist in a plea of not guilty.

9 b. The right to a speedy and public trial by jury.

10 c. The right to be represented by counsel -- and if
11 necessary have the Court appoint counsel -- at trial. Defendant
12 understands, however, that, defendant retains the right to be
13 represented by counsel -- and if necessary have the Court appoint
14 counsel -- at every other stage of the proceeding.

15 d. The right to be presumed innocent and to have the
16 burden of proof placed on the government to prove defendant guilty
17 beyond a reasonable doubt.

18 e. The right to confront and cross-examine witnesses
19 against defendant.

20 f. The right to testify and to present evidence in
21 opposition to the charges, including the right to compel the
22 attendance of witnesses to testify.

23 g. The right not to be compelled to testify, and, if
24 defendant chose not to testify or present evidence, to have that
25 choice not be used against defendant.

26 h. Any and all rights to pursue any affirmative defenses,
27 Fourth Amendment or Fifth Amendment claims, and other pretrial
28 motions that have been filed or could be filed.

WAIVER OF APPEAL OF CONVICTION; WAIVER OF COLLATERAL ATTACK

18. Defendant understands that, with the exception of an appeal based on a claim that defendant's guilty plea was involuntary, by pleading guilty defendant is waiving and giving up any right to appeal defendant's conviction on the offense to which defendant is pleading guilty. Defendant understands that this waiver includes, but is not limited to, arguments that the statute to which defendant is pleading guilty is unconstitutional, and any and all claims that the statement of facts provided herein is insufficient to support defendant's plea of guilty.

19. Defendant also gives up any right to bring a post-conviction collateral attack on the conviction or sentence, except a post-conviction collateral attack based on a claim of ineffective assistance of counsel, a claim of newly discovered evidence, or an explicitly retroactive change in the applicable Sentencing Guidelines, sentencing statutes, or statutes of conviction. Defendant understands that this waiver includes, but is not limited to, arguments that the statute to which defendant is pleading guilty is unconstitutional, and any and all claims that the statement of facts provided herein is insufficient to support defendant's plea of guilty.

LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

20. Defendant agrees that, provided the Court imposes a term of imprisonment within or below the range corresponding to an offense level of 28 and the criminal history category calculated by the Court, defendant gives up the right to appeal all of the following: (a) the procedures and calculations used to determine and impose any portion of the sentence; (b) the term of imprisonment imposed by the

1 Court; (c) the fine imposed by the Court, provided it is within the
2 statutory maximum; (d) to the extent permitted by law, the
3 constitutionality or legality of defendant's sentence, provided it is
4 within the statutory maximum; (e) the term of probation or supervised
5 release imposed by the Court, provided it is within the statutory
6 maximum; and (f) any of the following conditions of probation or
7 supervised release imposed by the Court: the conditions set forth in
8 Second Amended General Order 20-04 of this Court; the drug testing
9 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
10 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

11 21. The USAO agrees that, provided (a) all portions of the
12 sentence are at or above the statutory minimum and at or below the
13 statutory maximum specified above and (b) the Court imposes a term of
14 imprisonment within or above the range corresponding to an offense
15 level of 28 and the criminal history category calculated by the
16 Court, the USAO gives up its right to appeal any portion of the
17 sentence.

18 RESULT OF WITHDRAWAL OF GUILTY PLEA

19 22. Defendant agrees that if, after entering a guilty plea
20 pursuant to this agreement, defendant seeks to withdraw and succeeds
21 in withdrawing defendant's guilty plea on any basis other than a
22 claim and finding that entry into this plea agreement was
23 involuntary, then the USAO will be relieved of all of its obligations
24 under this agreement.

25 EFFECTIVE DATE OF AGREEMENT

26 23. This agreement is effective upon signature and execution of
27 all required certifications by defendant, defendant's counsel, and an
28 Assistant United States Attorney.

1 BREACH OF AGREEMENT

2 24. Defendant agrees that if defendant, at any time after the
3 signature of this agreement and execution of all required
4 certifications by defendant, defendant's counsel, and an Assistant
5 United States Attorney, knowingly violates or fails to perform any of
6 defendant's obligations under this agreement ("a breach"), the USAO
7 may declare this agreement breached. All of defendant's obligations
8 are material, a single breach of this agreement is sufficient for the
9 USAO to declare a breach, and defendant shall not be deemed to have
10 cured a breach without the express agreement of the USAO in writing.
11 If the USAO declares this agreement breached, and the Court finds
12 such a breach to have occurred, then: (a) if defendant has previously
13 entered a guilty plea pursuant to this agreement, defendant will not
14 be able to withdraw the guilty plea, and (b) the USAO will be
15 relieved of all its obligations under this agreement.

16 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

17 OFFICE NOT PARTIES

18 25. Defendant understands that the Court and the United States
19 Probation and Pretrial Services Office are not parties to this
20 agreement and need not accept any of the USAO's sentencing
21 recommendations or the parties' agreements to facts or sentencing
22 factors.

23 26. Defendant understands that both defendant and the USAO are
24 free to: (a) supplement the facts by supplying relevant information
25 to the United States Probation and Pretrial Services Office and the
26 Court, (b) correct any and all factual misstatements relating to the
27 Court's Sentencing Guidelines calculations and determination of
28 sentence, and (c) argue on appeal and collateral review that the

1 Court's Sentencing Guidelines calculations and the sentence it
2 chooses to impose are not error, although each party agrees to
3 maintain its view that the calculations in paragraph 17 are
4 consistent with the facts of this case. While this paragraph permits
5 both the USAO and defendant to submit full and complete factual
6 information to the United States Probation and Pretrial Services
7 Office and the Court, even if that factual information may be viewed
8 as inconsistent with the facts agreed to in this agreement, this
9 paragraph does not affect defendant's and the USAO's obligations not
10 to contest the facts agreed to in this agreement.

11 27. Defendant understands that even if the Court ignores any
12 sentencing recommendation, finds facts or reaches conclusions
13 different from those agreed to, and/or imposes any sentence up to the
14 maximum established by statute, defendant cannot, for that reason,
15 withdraw defendant's guilty plea, and defendant will remain bound to
16 fulfill all defendant's obligations under this agreement. Defendant
17 understands that no one -- not the prosecutor, defendant's attorney,
18 or the Court -- can make a binding prediction or promise regarding
19 the sentence defendant will receive, except that it will be within
20 the statutory maximum.

21 NO ADDITIONAL AGREEMENTS

22 28. Defendant understands that, except as set forth herein,
23 there are no promises, understandings, or agreements between the USAO
24 and defendant or defendant's attorney, and that no additional
25 promise, understanding, or agreement may be entered into unless in a
26 writing signed by all parties or on the record in court.

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28 //

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

29. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

E. MARTIN ESTRADA
United States Attorney



DAVID C. LACHMAN
Assistant United States Attorney

December 10, 2024

Date



OSMIN SOSA
Defendant

Date



ALEX KESSEL
Attorney for Defendant
OSMIN SOSA

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.


OSMIN SOSA
Defendant

12-17-2024
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am OSMIN SOSA's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.



ALEX KESSEL
Attorney for Defendant
OSMIN SOSA



Date